

1 details at one time from both sides at the Personnel
2 Review Board hearing.

3 Q. Did Chief Hunter, at any time prior to the
4 termination of Mr. Davis, clear it through you or
5 get your concurrence to go ahead and discharge him?

6 A. No, sir. These department heads can make a
7 discharge on their own. As I stated earlier, I
8 delegate that down to them.

9 Q. Sir, do you have a view on whether or not
10 expanding the probationary period to 18 months for
11 new hires would have an adverse impact on recruiting
12 qualified individuals as firefighters?

13 A. No, sir, I do not.

14 Q. Do you know if firefighters, while they are
15 on probation, are prohibited from having secondary
16 jobs?

17 A. It's the same as any of our others that's
18 on probation in the public sector. Number one, we
19 want their total, one hundred percent divided
20 attention in the training process. And you go
21 through the basic concept basic training for the
22 chosen Public Safety field they're in.

23 Q. Now, coming to the end here, it's your
24 understanding that Mr. Davis did, in fact, appeal
25 his dismissal to the Personnel Board, correct?

1 A. He did.

2 Q. Did you attend that hearing?

3 A. I attended the hearing.

4 Q. Did you participate in that hearing?

5 A. I was called to testify.

6 Q. So you were a witness?

7 A. At the very end of the hearing, yes, sir.

8 Q. What was the substance of your testimony?

9 A. Who the direct contact point for the
10 International Association of Firefighters was with
11 the city.

12 Q. I'm sorry. How did that relate to a
13 telephone conver-- let me finish, please, if I may.
14 How would that comment you just made relate to the
15 telephone conversation that Mr. Davis had with the
16 Mayor about the probationary period?

17 A. Well, as union president or as he's
18 indicated, then that comment should have been
19 through me.

20 Q. So, once again, your view is that he was
21 calling the Mayor in his capacity as the local
22 president and should have gone through you?

23 A. From the indications that I have, yes.
24 From everything that y'all have shown me today and
25 in the Personnel Review Board hearing.

1 Q. When you were called as witness at the
2 Personnel Review Board hearing, were you called by
3 the City's attorney or representative?

4 A. I was called by the City's attorney.

5 Q. Were you aware you were going to be called
6 as a witness?

7 A. Not until right before he called me.

8 Q. And that was Mr. Graham?

9 A. That's correct.

10 Q. And at that time when you were called as a
11 witness before the Personnel Board, were you
12 supportive of the discharge of Davis?

13 A. From the testimony that I had heard, I felt
14 that he had a violation of the Merit System.

15 Q. And then you're the ultimate decisionmaker
16 on behalf of the city, and I think you indicated
17 earlier that the Personnel Board made a
18 recommendation to you to uphold the discharge of
19 Davis?

20 A. Yes, sir. That's correct.

21 Q. Did you at all, at any time, think you
22 might have a conflict of interest if you were called
23 as a witness by the city attorney at the Personnel
24 Board hearing and then you were going to make the
25 ultimate decision as to what might be recommended by

1 the Personnel Board?

2 A. Not as it related to the ultimate question
3 of what the contact point was with the union.

4 Q. So it's okay --

5 A. So I do not. I do not because I did not --
6 I don't think it was a conflict of interest, no.

7 Q. Has anyone ever told you it might have been
8 a conflict of interest to be a witness, in effect,
9 against an employee that's been discharged and then
10 be the ultimate decisionmaker later on?

11 A. No, sir.

12 Q. Were you ever contacted by a member of the
13 press or the media to give a quote or comment after
14 Mr. Davis was discharged?

15 A. I have.

16 Q. And did you respond to that?

17 A. I did not.

18 Q. What did you say? No comment or just --

19 A. No comment.

20 Q. And why did you say that?

21 A. That's the normal response I have for
22 anything that deals with personnel issues. That's
23 something that, to me, is private between the
24 individual and his employer, and it's up to them if
25 they want to put it out.

1 Q. Were you aware that Mr. Davis explored
2 getting other employment after he was fired by the
3 city?

4 A. I knew that he worked for the ambulance
5 service, yes, sir.

6 Q. Do you know the name of the ambulance
7 service?

8 A. Yes, I do. He worked for us. I mean, you
9 know -- Care?

10 Q. Okay. But were you ever contacted by any
11 possible or prospective employers inquiring about
12 Mr. Davis?

13 A. No, sir, I have not been.

14 Q. And that would include verbally, by
15 telephone, e-mail, correspondence? You were just
16 never contacted?

17 A. I've never been contacted about employment
18 for Mr. Davis.

19 Q. Does the city have a policy on that, about
20 making any comment about employees who have
21 previously worked for the city?

22 A. We do. Usually, it's a no comment, but
23 it's -- you would have to ask the Personnel Director
24 the exact quote.

25 MR. WOODLEY: Okay. I think that's all the

1 questions I have. Thank you, Mr. Roberts, for
2 coming here.

3 (The deposition concluded at 1:35 p.m.)

4 * * * * *

REPORTER'S CERTIFICATE

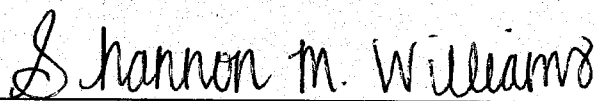
STATE OF ALABAMA

MONTGOMERY COUNTY

I, Shannon Williams, Certified Shorthand Reporter and Commissioner for the State of Alabama at Large, hereby certify that on April 4, 2007, I reported the deposition of H.H. ROBERTS, who was first duly sworn or affirmed to speak the truth in the matter of the foregoing cause, and that pages 1 through 92 contain a true and accurate transcription of the examination of said witness by counsel for the parties set out herein.

I further certify that I am neither of kin nor of counsel to any of the parties to said cause, nor in any manner interested in the results thereof.

This 10th day of April, 2007.


SHANNON M. WILLIAMS, CSR
Commissioner for the
State of Alabama at Large

MY COMMISSION EXPIRES: 1/14/2010

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